

**UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
MARSHALL DIVISION**

TIVO INC.,

Plaintiff,

vs.

SAMSUNG ELECTRONICS CO., LTD. and  
SAMSUNG ELECTRONICS AMERICA,  
INC.

Defendants.

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SAMSUNG ELECTRONICS CO., LTD. and  
SAMSUNG ELECTRONICS AMERICA,  
INC.,

Counterclaim Plaintiffs,

vs.

TIVO INC.

Counterclaim Defendant.

Case No. 2:15-cv-1503

**JURY TRIAL DEMANDED**

**DECLARATION OF THAD C. KODISH IN SUPPORT OF SAMSUNG'S MOTION TO  
COMPEL TIVO'S INFRINGEMENT CONTENTIONS**

I, Thad C. Kodish, hereby declare as follows:

1. I am a principal at Fish & Richardson P.C., counsel for Defendants Samsung Electronics Co., Ltd. and Samsung Electronic American, Inc. (collectively, "Samsung") in the above-captioned matter. I am a member of the Bar of the State of Georgia, and am admitted to practice before this Court. I provide this declaration in support of Samsung's Motion to Compel TiVo's Infringement Contentions. I have personal knowledge of the information set forth herein, and I could and would competently testify thereto if called as a witness.

2. Attached hereto as **Exhibit A** is a true and correct copy of a letter from Erin Alper (Fish & Richardson P.C.) to Tom Werner (Irell & Manella LLP) dated February 19, 2016.

Pursuant to Local Rule CV-7(b), counsel for Samsung has highlighted cited portions, where appropriate.

3. Attached hereto as **Exhibit B** is a true and correct copy of a letter from Benjamin Haber (Irell & Manella LLP) to Erin Alper (Fish & Richardson P.C.) dated March 7, 2016.

Pursuant to Local Rule CV-7(b), counsel for Samsung has highlighted cited portions, where appropriate.

4. Attached hereto as **Exhibit C** is a true and correct copy of a letter from Erin Alper (Fish & Richardson P.C.) to Benjamin Haber (Irell & Manella LLP) dated March 17, 2016.

Pursuant to Local Rule CV-7(b), counsel for Samsung has highlighted cited portions, where appropriate.

5. Attached hereto as **Exhibit D** is a true and correct copy of a letter from Benjamin Haber (Irell & Manella LLP) to Erin Alper (Fish & Richardson P.C.) dated March 22, 2016.

Pursuant to Local Rule CV-7(b), counsel for Samsung has highlighted cited portions, where appropriate.

6. Attached hereto as **Exhibit E** is a true and correct copy of relevant excerpts of TiVo's Preliminary Infringement Contention Chart for U.S. Patent No. 6,233,389 for the accused Samsung DVRs.

7. Attached hereto as **Exhibit F** is a true and correct copy of relevant excerpts of TiVo's Preliminary Infringement Contention Chart for U.S. Patent No. 6,233,389 for the accused Samsung Mobile Devices (phones and tablets).

8. Attached hereto as **Exhibit G** is a true and correct copy of relevant excerpts of TiVo's Preliminary Infringement Contention Chart for U.S. Patent No. 6,792,195 for the accused Samsung DVRs. Counsel for Samsung has added page numbers (previously missing) for ease of use.

9. Attached hereto as **Exhibit H** is a true and correct copy of a letter from Tom Werner (Irell & Manella LLP) to Erin Alper (Fish & Richardson) dated April 12, 2016.

10. Attached hereto as **Exhibit I** is a true and correct copy of letter from Erin Alper (Fish & Richardson P.C.) to Tom Werner (Irell & Manella LLP) dated April 12, 2016

I declare that the foregoing is true and correct to the best of my knowledge after reasonable inquiry, and that I have executed this declaration on April 12, 2016, in San Diego, California.

/s/ Thad C. Kodish  
Thad C. Kodish